

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09 CR 12**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
MICHAEL BRUCE DARCY,)	
)	
Defendant.)	
_____)	

THIS MATTER came on to be heard and was heard before the undersigned, pursuant to a motion filed by the government entitled "Motion for Relief Under Title 18 U.S.C. § 3771" (#30). At the call of this matter on for hearing it appeared that the government was present through Assistant United States Attorney Cortney Escaravage and the defendant was present and represented by his attorney, Fredilyn Sison. From the evidence presented by the government, the undersigned makes the following findings of fact:

Findings of Fact: Sylvia Jane Smith, mother of the minor victim in this matter, who was referred to in court as "Jane Doe #1", testified that on May 16, 2009 she found there had been letters delivered by the United States Postal Service to her mailbox that were addressed to Jane Doe #1. The letters were sent by the defendant to the daughter of Mrs. Smith. The letters were introduced into evidence as

“Government Exhibit 1” and were ordered sealed by the court after having been modified to protect the identity of the minor victim. The undersigned has examined the letters and read them in detail. Ms. Smith did not reveal to Jane Doe #1 that the letters had been either sent or received. After receiving the letters, Ms. Smith contacted the office of the United States Attorney and told the Assistant United States Attorney that she desired that an order be entered precluding the defendant from sending any letters to Jane Doe #1 or communicating with Jane Doe #1 in any way, form or fashion.

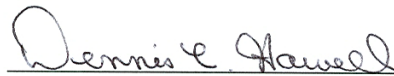
Discussion: 18 U.S.C. § 3771 sets forth various rights to which a victim of crime is entitled. The undersigned is of the opinion that Ms. Smith, as the parent of Jane Doe #1, has the right to seek an order directing that the defendant not have any contact with Jane Doe #1 in any way, form or fashion and good cause has been shown for the granting of the motion.

ORDER

IT IS, THEREFORE, **ORDERED** that the “Motion For Relief Under Title 18 U.S.C. § 3771” (#30) is hereby **ALLOWED** and it is further **ORDERED** that the defendant is hereby directed not to send any type of communication to Jane Doe #1, be it in the form of letters, telephone conversations, computer messages, messages

sent through others, or any type of means of communication, pending further orders of the court. It is further ordered that if the defendant violate the terms and conditions of this Order, that contempt proceedings may be instituted against the defendant.

Signed: June 9, 2009

_____

Dennis L. Howell
United States Magistrate Judge

